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March 8, 2002

OUR FILE NO.  
20828-00101-60  
1554-101-60

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MAR - 8 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

William F. Caton, Acting Secretary  
Federal Communications Commission  
c/o Vistronix, Inc.  
236 Massachusetts Avenue, NE, Suite 110  
Washington, DC 20002

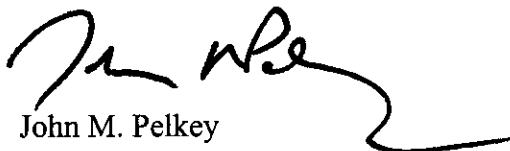
Re: Amendment of Section 73.202 (b)  
Table of Allotments  
Alberta and Dinwiddie, Virginia,  
Whitakers and Garysburg, North Carolina  
MM Docket No. 00-245

Dear Mr. Caton:

Transmitted herewith on behalf of MainQuad Broadcasting, Inc., are an original and four copies of its **MOTION FOR LEAVE TO FILE COMMENTS** in the above-referenced proceeding.

If there are any questions concerning this submission, please contact the undersigned directly.

Sincerely,

  
John M. Pelkey

JMP/blr

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Before The  
**Federal Communications Commission**  
Washington, D.C. 20554

In the matter of	]	
	]	
Amendment of Section 73.202(b),	]	MM Docket No. 00-245
Table of Allotments,	]	RM-9971
FM Broadcast Stations,	]	RM-10185
(Alberta and Dinwiddie, Virginia,	]	RM-10186
Whitakers and Garysburg, North Carolina	]	

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**MAR - 8 2002**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

TO: Chief, Allocations Branch

**MOTION FOR LEAVE TO FILE COMMENTS**

MainQuad Broadcasting, Inc. ("MainQuad"), licensee of WSMY-FM, hereby requests leave to file the concurrently-tendered Comments With Respect to "Reply to Response to Order to Show Cause". In support of this motion, MainQuad states as follows:

On February 11, 2002, MainQuad timely filed its response to a December 21, 2001, Order to Show Cause issued by the Commission wherein the Commission ordered MainQuad to explain why the license of WSMY-FM should not be modified to specify operation on Channel 299A, in lieu of Channel 276A, at Alberta, Virginia. That Order to Show Cause was prompted by the submission of a Counterproposal by Garysburg Radio in the above-referenced rule making proceeding.

On February 21, 2002, Garysburg Radio submitted a Reply to MainQuad's Response to Order to Show Cause. That Reply reveals that the Order to Show Cause was premised upon a fundamental misrepresentation made by Garysburg Radio in its Comments in the above-referenced proceeding. In those Comments, Garysburg Radio

had represented to the Commission that it would reimburse MainQuad if WSMY-FM were forced to operate on Channel 299 rather than Channel 276A. The Commission issued the Order to Show Cause in explicit reliance upon that representation. In its Reply, however, Garysburg Radio backtracks from this earlier commitment and informs the Commission that, despite its earlier representation, it now will commit to do no more than reimburse MainQuad if Garysburg Radio receives the construction permit for the proposed facility at Garysburg. In addition to backtracking on its earlier commitment, Garysburg Radio also takes advantage of the Reply to make several arguments to which MainQuad has not had an opportunity to respond. In particular, Garysburg Radio (1) argues, contrary to its proposal that Channel 276 be allocated to Garysburg, that the channel can be allocated to either Garysburg or, as has been proposed by MainQuad, to Whitakers, North Carolina; and (2) claims that the proposal made by MainQuad affiliate MainQuad Communications, Inc., whereby the community of license of WPTM(FM) would be changed from Roanoke Rapids, North Carolina, to Garysburg, North Carolina, is not *bona fide*.

The Garysburg Radio Reply also has the effect of crystallizing the issues in this proceeding, thus permitting a final comparison of the Garysburg Radio and MainQuad proposals. That comparison conclusively demonstrates that the MainQuad proposal, as supplemented by the proposal to specify Garysburg as WPTM(FM)'s community of license, accomplishes everything that the Garysburg Radio proposal does, and then goes beyond that proposal to effectuate additional public interest benefits. The comparison of

the two proposals can be depicted as follows:

Proposal	MainQuad	Garysburg Radio
First local transmission service for Garysburg	Yes	Yes
Continued First Local Transmission Service for Alberta	Yes	Yes
First local transmission service for Whitakers	Yes	No
Creation of Class C facility on Channel 276 with concomitant service to 172,026 people (in excess of 110,000 people more than would be served by a Class A facility in Garysburg)	Yes	No
Fair reimbursement to MainQuad for Changing Channels	Yes	No

Because it has not previously had an opportunity to respond to the issues and arguments raised for the first time by Garysburg Radio in its Reply, fairness dictates that MainQuad be afforded an opportunity to address those issues and arguments. In addition, the public interest would be served by allowing MainQuad to review the state of the competing proposals now that the full scope, underpinnings and ramifications of those proposals have been made clear.

Accordingly, MainQuad Broadcasting, Inc., respectfully requests that it be

granted leave to file the concurrently-tendered Comments with Respect to "Reply to Response to Order to Show Cause."

Respectfully submitted,

MainQuad Broadcasting, Inc.

By:   
John M. Pelkey

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March 8, 2002

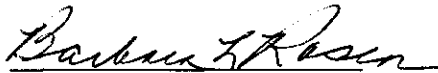
## CERTIFICATE OF SERVICE

I, Barbara L. Rascon, a secretary in the law offices of Garvey, Schubert & Barer, hereby certify that I have on this 8<sup>th</sup> day of March, 2002, sent copies of the enclosed **MOTION FOR LEAVE TO FILE COMMENTS** by hand-delivery or First Class, United States mail, postage prepaid, to the following:

Anne Goodwin Crump, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
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Arlington, VA 22209-3801  
(Counsel for Garysburg Radio)

John D. Poutasse, Esq.  
Leventhal, Senter & Lerman P.L.L.C.  
2000 K Street, NW, Suite 600  
Washington, DC 20006-1809  
(Counsel for Dinwiddie Radio Company)

\*R. Barthen Gorman  
Federal Communications Commission  
Mass Media Bureau  
445 12<sup>th</sup> Street, SW, Room 3-A224  
Washington, DC 20554

  
Barbara L. Rascon

\*Hand Delivery  
March 8, 2002